

100.2412
Branigan 2-10



EXHIBIT II

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Branigan et al.

Serial No.: 09/755,470

Filed: January 5, 2001

For: METHODS AND APPARATUS FOR SECURE WIRELESS NETWORKING

Group: 2134

Examiner: Tran, Ellen C.

Durham, North Carolina
January 27, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration of William Roberts Cheswick Pursuant to 37 C.F.R. 1.131

Dear Sir:

I, William Roberts Cheswick, declare as follows:

1. All statements herein made of my own knowledge are true and all statements made on information and belief are believed to be true.
2. On information and belief, a true copy of the Declaration of Peter H. Priest (Priest Decl.) is attached hereto as Exhibit A.
3. I have read Exhibit A including its exhibits (Priest Decl. Ex. A and Priest Decl. Ex. B). I have read Exhibit B including its exhibits (Grosse Decl. Ex. A and Grosse Decl. Ex. B). I have also read and understand the claims contained in Priest Decl. Ex. B.

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11. The Abstract at page 4/11 of Priest Decl. Ex. A states "we provide a 'real-world' example of how we have deployed a secure wireless network for the UNIX room and green room in Murray Hill."

12. Page 6/11 of Priest Decl. Ex. A further states "This is the design we are using to provide wireless networking to the UNIX room and green room in Murray Hill."

13. Page 8/11 of Priest, Decl. Ex. A thanks a co-worker "for his assistance is [sic] establishing the proto-type that is currently in use."

14. Prior to February 22, 2000, I and Mr. Branigan demonstrated the operation of the secure wireless network deployed for the Unix and Green rooms in Murray Hill, NJ referred to by the Abstract of page 4/11 of Priest Decl., Exhibit A. During this demonstration, we demonstrated the operation of a wireless network client, a WavePOINT-II Access Point being utilized as a wireless network access point, a SB-Server, and a user database. The SB-Server performed authentication by examining authentication information transmitted from the wireless network client and determined whether or not the authentication information identified the wireless network client as authorized to gain access to the wired network. The SB-Server established a connection session upon authentication of the wireless network client and provided the client with a wired network address valid for the established connection session. The SB-Server encrypted communications with the wireless network access point. The SB-Server provided to the client a cryptographic key valid for the established connection session. The user database was accessed by the SB-Server to validate the wireless network client.

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4. On information and belief, claims 1-10 of the present application have been rejected under 35 U.S.C. 102(e) as anticipated by Bahl et al. U.S. Patent No. 6,834,341 (Bahl). Claims 11-15 have been rejected under 35 U.S.C. 103(a) based upon Bahl and other patents. On its face, Bahl has a filing date of February 22, 2000.

5. As addressed in greater detail below, the invention as claimed in claims 1-15 of the present application was actually reduced to practice prior to February 22, 2000 by myself and Mr. Branigan.

6. From a date ^{e wpc} prior to February 22, 2000, I was an employee of Lucent Technologies Inc. ("Lucent") and worked in the "Networked Computing Research" department managed by Eric H. Grosse.

7. I am no longer Lucent employee.

8. Prior to February 22, 2000, I and Mr. Branigan reduced to practice a secure wireless network as covered by claims 1-15 and demonstrated to Eric H. Grosse the working operation of the secure wireless network.

9. Prior to February 22, 2000, I and Mr. Branigan submitted the patent submission describing this secure wireless network. Priest Decl. Ex. A, pp. 2/11-11/11.

10. On information and belief, prior to February 22, 2000, that patent submission was acknowledged by Mr. Donald P. Dinella, one of Lucent's internal patent attorneys. Priest Decl. Ex. A, p. 1/11.

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15. I believe the SB-Server issued internet protocol (IP) addresses in the range 192.168.50.2 to 192.168.50.254 utilizing an IP network mask of 255.255.255.0. Using a shortened notation, these issued addresses may also be conventionally referred to as 192.168.50.0/24 as stated at page 5/11 of Priest Decl. Ex. A.

16. I have reviewed a back up file named "local-cs" retrieved from Eric H. Grosse from Lucent's backup facility. On information and belief, a true copy of a redacted file listing of the retrieved "local-cs" file is attached as Grosse Decl. Ex. B. On information and belief, the retrieved "local-cs" file was created and was backed up by the backup facility in a nightly backup prior to February 22, 2000.

17. The retrieved "local-cs" file is a network operation database utilized by servers servicing the Unix and Green rooms at Murray Hill. I reviewed the redacted contents of file "local-cs." Among other items, this file contains "ipnet=sbwavelan ip=192.168.50.0 ipmask=255.255.255.0." The combination of the ip address with the ipmask defines the range of addresses which are issued by the SB-Server. The defined range of combining the ip address and the ipmask corresponds to the address range of 192.168.50.2 - 192.168.50.254 which corresponds to the issued IP address range for the secure wireless network described in Priest Decl. Ex. A.

18. The "sbwavelan" network name was used to represent the secure wireless network as initially disclosed by Priest Decl., Ex. A and presently claimed in claims 1-15.

19. The existence of the "local-cs" file with its aforementioned contents corroborates that the secure wireless network deployed in the UNIX and Green rooms in Murray Hill, as

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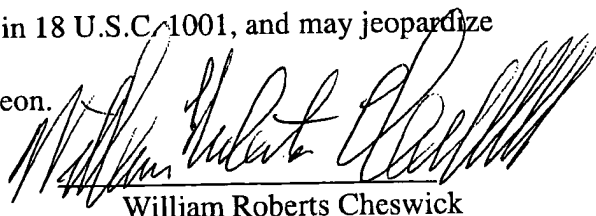
initially disclosed in Priest Decl. Ex. A and presently claimed in the claim listing of Pries Decl. Ex. B, was operational for internal use for its intended use of providing secure wireless network connectivity by myself and Mr. Branigan.

20. The acts outlined above which are relied upon to establish a date prior to the Bahl patent were carried out in the United States.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I understand that willful false statements and the like are punishable by fine or imprisonment or both as set forth in 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

Executed on

27 Jan 2006



William Roberts Cheswick